

SENATE BILL 19

By Harris

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 7; Title 62, Chapter 5 and Title 68, relative to funeral service practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 5, Part 7, is amended by adding the following as a new, appropriately designated section:

(a) As used in this section, "responsible party" means a person legally entitled to control the disposition or removal of the remains of a deceased person. "Responsible party" includes those persons listed in § 62-5-703; legally authorized representatives of an institution to which the remains of a deceased person have been donated for scientific purposes; and persons charged with making arrangements for the final disposition of a deceased person pursuant to disposition directions or a pre-need funeral contract executed pursuant to part 4 of this chapter.

(b)

(1) No remains of a deceased person shall be disposed of or removed from a place of death without the authorization of a responsible party.

(2) Notwithstanding subdivision (b)(1), the disposition or removal of a deceased person may be made without the authorization of a responsible party only when:

(A)

(i) Human dignity or the avoidance of a public nuisance requires the disposition or removal; and

(ii) A request for authorization to dispose of or remove the remains of a deceased person has been made to the responsible party; or

(B) Otherwise allowed by law.

(3) A funeral establishment that has custody of the remains of a deceased person but is not the establishment selected by the responsible party to provide funeral services shall release the remains to the funeral establishment selected by the responsible party during normal business hours unless otherwise agreed to by the two (2) establishments. The receiving funeral establishment or responsible party shall be responsible for the costs of any merchandise or services provided by the initial funeral establishment, which shall be payable at the time of release. Provided, however, the cost of the merchandise or services provided shall not exceed the prices for the merchandise or services listed on the general price list of the initial funeral establishment.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.